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2 BILL NO. Z-95-06-08

3 ZONING MAP ORDINANCE NO. Z- 03-95

4 AN ORDINANCE amending the City of  
5 Fort Wayne Zoning Map No. N-2

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
7 WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is hereby designated an M-1  
9 (Light Industrial) District under the terms of Chapter 157 Title XV of the Code of the City  
10 of Fort Wayne, Indiana of 1974:

11 The City block bounded by Brackenridge, Monroe, Hayden, and Clay Streets and  
12 including all of Lots No. 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106,  
13 and 107 in Lewis Addition to the City of Fort Wayne, according to the recorded  
plat thereof.

14 and the symbols of the City of Fort Wayne Zoning Map No. N-2, as established by  
15 Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby  
16 changed accordingly.

17 SECTION 2. That this Ordinance shall be in full force and effect from and after  
18 its passage and approval by the Mayor.

19 Clinton R Edwards  
20 Councilmember

21 APPROVED AS TO FORM AND LEGALITY:

22 J Timothy McCaulay  
23 J. TIMOTHY-MCCAULAY, CITY ATTORNEY

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Read the first time in full and on motion by Charles,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on 10, the 10 day of July, at o'clock  
M., E.S.T.

DATED: 6-13-95.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Barrie,  
and duly adopted, placed on its passage. PASSED POST  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY	<u>✓</u>			
EDMONDS				<u>1</u>
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO				<u>✓</u>

DATED: 7-24-95.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-03-95  
on the 24th day of July, 19 95

ATTEST:

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)  
Don J. Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 25th day of July, 19 95,  
at the hour of 3:00 o'clock P., M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of July,  
19 95, at the hour of 1:00 o'clock P., M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

BILL NO. Z-95-06-08

REPORT OF THE COMMITTEE ON  
REGULATIONS  
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of  
Fort Wayne Zoning Map No. N-2

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION)

DO PASS      DO NOT PASS      ABSTAIN      NO REC

<u>Rebecca J. Ravine</u>	_____	_____	_____
<u>Mark O'Neal Smith</u>	_____	_____	_____
<u>D. Schmitz</u>	_____	_____	_____
<u>Sandra E. Kennedy</u>	_____	_____	_____
<u>John P. Neary</u>	_____	_____	_____
<u>Timothy T. Myers</u>	_____	_____	_____
<u>Cletus R. Edmonds</u>	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

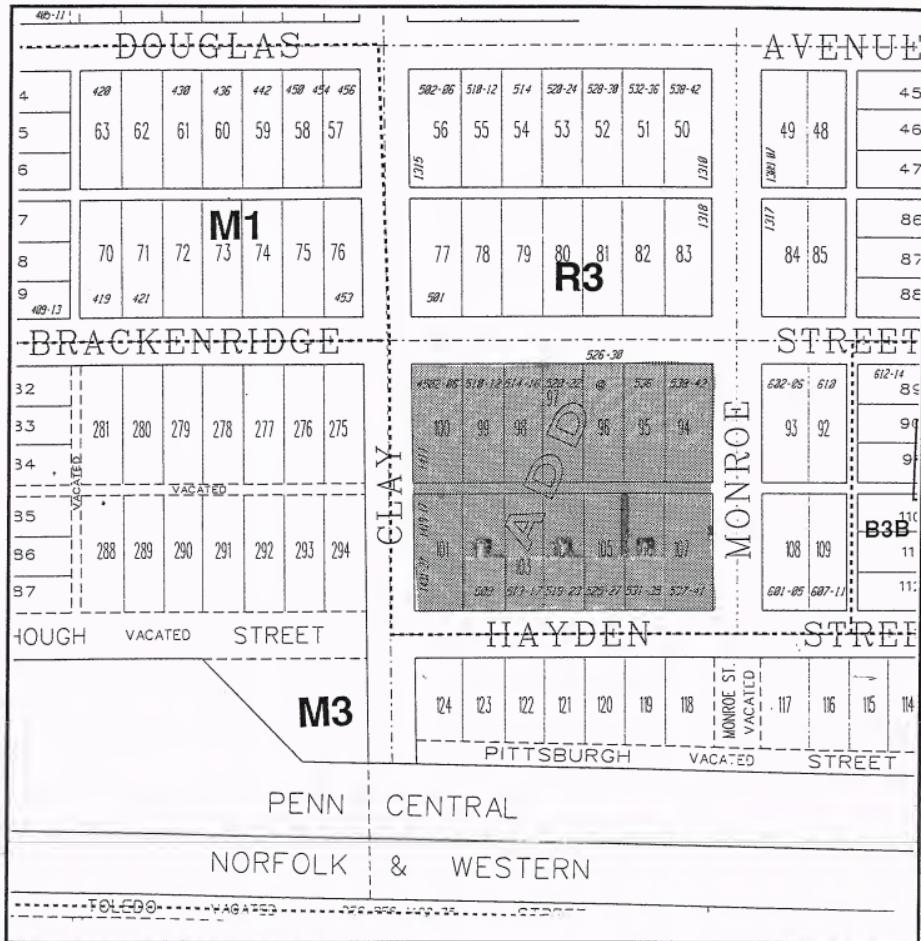
DATED: 7-25-95.

Sandra E. Kennedy  
City Clerk

## REZONING PETITION

CASE NO. #586

## AREA MAP



COUNCILMANIC DISTRICT NO. 1

Map No. N - 2  
LW 5-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

I/We Three Rivers Ambulance Authority and William E. Brown  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from ~~R3~~ District to ~~MI~~ District the property described as follows:

The City block bounded by Brackenridge, Monroe, Hayden, and

Clay Streets and including all of Lots No. 94, 95, 96, 97,

98, 99, 100, 101, 102, 103, 104, 105, 106, and 107 in Lewis

Addition to the City of Fort Wayne, according to the recorded  
plat thereof.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

The City block bounded by Brackenridge, Monroe, Hayden, and

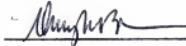
Clay Streets.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Three Rivers Ambulance Authority

333 South Clinton Street  
Fort Wayne, Indiana 46802



William E. Brown  
(Name)

1810 Pemberton Drive  
Fort Wayne, Indiana 46805  
(Address)

  
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$300.00)

Name and address of the preparer, attorney or agent.

John J. Wernet, Esq.  
(Name) 1400 One Summit Square  
Fort Wayne, Indiana 46802 (Address & Zip Code) (219) 423-9411  
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

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Owners of Property

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(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.



GOULOFF - JORDAN  
SURVEYING AND DESIGN,  
INC. 1133 BROADWAY FORT WAYNE, IN 46802  
PH (219) 424 - 5362



(60' R/W) BRACKENRIDGE STREET (N. 85° 45' 14" E 370.00' M.)							
CLAY STREET (60' R/W) 314.00' M.)							
ALLEY (TO BE VACATED)							
(60)	(50)	(50)	(50)	(50)	(50)	(50)	(60)
100	09	08	07	06	05	04	(150)
370.00'							
(60)	(50)	(50)	(50)	(50)	(50)	(50)	(60)
101	102	103	104	105	106	107	(150)
370.00'							
HAYDEN STREET (60' R/W)							
(60)	(50)	(50)	(50)	(50)	(50)	(50)	(60)
(S. 85° 06' 43" E 370.00' M.)							
MONROE STREET (60' R/W)							
(60)	(50)	(50)	(50)	(50)	(50)	(50)	(60)
108	09	08	07	06	05	04	(150)
370.00'							

THE ABOVE DESCRIBED REAL ESTATE LIES IN ZONE  ACCORDING TO THE  
FLOOD INSURANCE RATE MAP FOR ALLEN COUNTY INDIANA.

FOR THE EXCLUSIVE USE OF:

CITY OF FORT WAYNE

DATE MAY 17, 1995

JOB NO. 0505037 L



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 13, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-95-06-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 19, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 26, 1995.

Certified and signed this  
7th day of July 1995.



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Carol Kettler Sharp  
Secretary

- b. Bill No. G-95-06-12 - Vacation Petition #587  
The east-west alley between Clay and Monroe, south of Brackenridge Street.

5. Public Hearing on a Zoning Map Amendment

- a. Bill No. Z-95-06-08 - Change of Zone #586  
From R-3 to M-1  
The Block bounded by Brackenridge, Monroe, Hayden and Clay Streets.

Mel Smith called both the vacation petition #587 and rezoning petition #586 together.

John Wernet, attorney for Three Rivers Ambulance Authority appeared before the Commission. Mr. Wernet stated that with him that evening was Bill Brown, who is the owner of 65% of the square block to be vacated. He stated currently his client has a contract with Mr. Brown to purchase the property as well as all of the other properties on the block, except for two, which are subject to condemnation proceedings at this time, by the city. He stated that the alley runs between Clay and Monroe, east-west. He stated that the rezoning will be for the construction of a new facility for the Ambulance Authority. He stated that the proposed building will go directly over the alley requested for vacation. He stated that is the reason for the vacation request. He stated that the Ambulance Authority will own the entire block and there will be no access problems. He stated that the alley is currently not paved at this time, so it is not really used. He stated they have dealt with the utilities and there is no water in the alley and they have spoken with Sewer Engineering and the sewer line will be moved two blocks to the east on Hanna. He stated that I & M will move to the north along Brackenridge, GTE and Comcast have been taken care of also.

He stated that with regard to the rezoning they have requested an M-1 zoning. He stated that he had a site plan which shows 4 houses on the block. He stated that only one home is occupied at the present time. He stated that they have an agreement to purchase with the owner. He stated that the entire south half of the block is vacant. He stated that there are several trees around the perimeter of this property. He stated it is the intention and belief that most of those trees can be saved. He showed the Commission a rendering of the facility. He stated that there will be a parking lot on the northeast side of the property and parking along the south. He stated that no ambulances are actually dispatched from this facility. He stated they come and go at the end of the shift. He stated that there are some ambulances that could be dispatched from there if there was an emergency. He stated that the general plan is that the vehicles will come in off of Clay Street, go into the facility for storage and they will leave by Brackenridge Street. He stated that there will be no curb cuts on the east side on Monroe Street. He stated that the

property to the south is owned by Mr. Brown (Summit City Electric) which is on the other side of Hayden Street, south of that is the railroad, to the west is a warehouse, those properties are all zoned M-3. Mr. Wernet stated that the building will be 22,000 square feet and will cover 20% of the block. He stated that they feel that this is a very good use for this block that has been deteriorating. He stated they felt it is a real reinvestment in the area that will hopefully stir investment in some of the other blocks to the north and to the east.

Mel Smith questioned if there would be any fencing on the property.

Mr. Wernet stated that they will have some security fencing in different areas around the property.

Bill Brown, President of Summit City Electric, appeared before the Commission. Mr. Brown stated that he located his business on Hayden Street in 1986. He stated that he is excited that the Ambulance Authority is moving to this property and hopes that they get the rezoning in order to do so. He stated that he believed that this goes one step further to a positive redevelopment of the area.

James L Parker, 4940 Devonshire Drive, appeared before the Commission. Mr. Parker stated that he owned the property on the corner of Clay and Brackenridge. He stated that he does not want to sell the property for \$150.00.

Dave Wright questioned if a condemnation order had been issued on this property.

Mr. Parker stated that he has a court date on this property in July.

Mr. Wright stated if that is the case he would need to discuss the issue of the value of the property in court. He stated that the value of the property would not be a question before this Commission. The Commission is dealing with rezoning and the vacation of an alley.

There was no one else who spoke in favor of or in opposition to the proposed vacation or rezoning.

## FACT SHEET

Z-95-06-08

BILL NUMBER

Division of Community  
Development & Planning

## BRIEF TITLE

Zoning Map Amendment

## APPROVAL DEADLINE

## REASON

From R-3 to M-1

## DETAILS

## Specific Location and/or Address

The block bounded by Brackenridge, Monroe,  
Hayden & Clay Streets.

## Reason for Project

Three Rivers Ambulance Authority

## Discussion (Including relationship to other Council actions)

19 June 1995 - Public Hearing

See Attached Minutes of Meeting

26 June 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted for the motion the Chair did not vote. Motion carried.

Members Present: James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Carol Kettler Sharp, Mel Smith

Members Absent: Linda Buskirk, Ernest Evans Vicky VerPlanck

POSITIONS		RECOMMENDATIONS	
Sponsor		City Plan Commission	
Area Affected		City Wide	Other Areas
Applicants/ Proponents		Applicant(s) 3-Rivers Ambulance Authority	City Department Other
Opponents		Groups or Individuals	Basis of Opposition
Staff Recommendation		<input checked="" type="checkbox"/> For <input type="checkbox"/> Against	Reason Against
Board or Commission Recommendation		By	
		<input checked="" type="checkbox"/> For <input type="checkbox"/> Against	
		<input type="checkbox"/> No Action Taken	
		<input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	
CITY COUNCIL ACTIONS (For Council use only)		<input type="checkbox"/> Pass <input type="checkbox"/> Other	
		<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
		<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

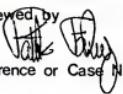
## DETAILS

## POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment	(This space for further discussion)	

Project Start Date 18 May 1995

Projected Completion or Occupancy Date 7 July 1995

Fact Sheet Prepared by Date 17 July 1995  
Patricia BiancanielloReviewed by Date 19 July 1995  
  
Reference or Case Number